

REMARKS

Claims 8-21 and 23-25 are pending in the application. Claims 1-7 and 22 have been cancelled. Claims 10 and 14-18 have been amended. Reconsideration of the pending claims is respectfully requested in view of the foregoing amendments and the following remarks. Those amendments and remarks are believed to be fully responsive to the Office Action mailed January 22, 2003 and to render the claims at issue patentably distinct over the cited references. The foregoing amendments are taken in the interest of expediting prosecution, and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art.

I. CLAIM OBJECTIONS

Claims 14-18 were objected to because of a typographical error. Claims 14-18 have been amended to properly recite "method" instead of "apparatus." Claim 10 was objected to as being of improper dependent form. Claim 10 has been amended to replace "may be" with the more definite "are." In view of these amendments, the objections to claims 10 and 14-18 are believed overcome.

II. CLAIM REJECTION UNDER 35 USC § 112

Claim 22 was rejected under 35 U.S.C. §112 as being indefinite. In the interest of expediting prosecution, claim 22 has been cancelled.

III. CLAIM REJECTION UNDER 35 USC § 102

Claims 8-12 were rejected under 35 U.S.C. §102(e) over Yu et al. (US 6,165,052). This rejection is believed to be in error for at least the following reason. Claim 8 recites, in part, "...removing a material layer ... at a primary polishing station; and removing the barrier layer ... at a buff station" The first full paragraph on page 10 (as corrected by the preliminary amendment) distinguishes "buff" and "buffing" from a "primary polish step." A "primary polishing station" and a "buff station" are not the same. The Yu reference fails to disclose a buff station. Yu discloses the use of only a polishing station or (column 6, lines 45-46) a "multiple polishing station CMP polishing machine." Accordingly, the Yu reference fails to disclose all of the recited elements of claims 8-12.

Claims 8-14 and 23-25 were rejected under 35 U.S.C. §102(e) over Easter et al. (US 6,368,955). This rejection is believed to be in error for at least the following reasons. First, the Easter reference may not be a proper reference under 35 U.S.C 102(e). The present application claims priority from a divisional application and a continuation in part having a priority date of October 8, 1999, more than a month before the filing date of the Easter reference. Further, the Easter reference does not disclose or suggest a buff station for removing the barrier layer as recited by independent claim 8. As discussed above with respect to the Yu reference, a primary polishing station and a buff station are not the same. The Easter reference discloses the use of two slurries to remove two different layers, but does not disclose or suggest removing the first layer at a primary polishing station and the second layer at a buff station as claimed. The Examiner's suggestion that a "second station" is equivalent to a "buff station" is contrary to applicants' definition of a buff station.

IV. CLAIM REJECTION UNDER 35 USC § 103

Claims 15, 17, 19 and 21 were rejected under 35 U.S.C. §103 over Easter in view of Somekh (US 5,897,426). This rejection is believed to be in error for at least the following reason. As explained above, the Easter reference fails to disclose or suggest removing a first layer at a primary polish station and removing a second layer at a buff station as recited in claim 8 from which the rejected claims depend. The Somekh reference also fails to disclose or suggest the step of removing a second layer at a buff station. Accordingly, at least one recited element of each of the rejected claims is neither disclosed nor suggested by the cited combination of references.

Claims 19, 21, and 22 were rejected under 35 U.S.C. §103 over Easter in view of Woo (US 5,816,891), claims 15, 16, and 19-22 were rejected under 35 U.S.C. §103 over Easter in view of Mikhaylich et al. (US 6,375,540), and claim 18 was rejected under 35 U.S.C. §103 over Easter in view of Easter (US 6,254,454). The rejection of claim 22 is rendered moot by the cancellation of that claim. Easter ('454) and Mikhaylich may not be proper references because of the priority claimed by the present application. In any event, the rejections of these claims under 35 U.S.C. §103 is believed to be in error because the primary Easter reference fails to disclose or suggest a recited element of independent claim 8, namely removing a first layer at a primary polish station and removing a second layer at a buff station. None of the secondary references disclose or suggest the step of removing a second layer at a buff station. Accordingly, each of the rejected claims distinguishes over the cited combination of references because the references fail to disclose or suggest a recited claim element.

V. CONCLUSION

In view of Applicants' amendments and the above remarks, it is now believed that the claims distinguish over the cited references and that the application is in condition for allowance. Such allowance is therefore earnestly requested. Should the Examiner have any questions or wish to discuss any aspect of this application, Applicants request that the Examiner contact the undersigned at (480) 460-8694.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,



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Dated April 17, 2003